

21
A COMPILATION

OF THE

SCHOOL LAWS OF PENNSYLVANIA,

WITH

EXPLANATORY INSTRUCTIONS AND FORMS.

PREPARED BY THE SUPERINTENDENT.

Harrisburg:

PRINTED BY V. BEST.

1843.

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ACT OF 1836.

An Act

To consolidate and amend the several Acts relative to a General System of Education by Common Schools.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That every township, borough, or What com- ward in this Commonwealth, not within the city and incor- poses a dis- porated districts of the county of Philadelphia, shall consti- trict. tute a school district: *Provided,* That any borough which Proviso. is, or may be connected with a township in the assessment of county rates and levies, shall, with the said township, form a district.

SECTION 2. Annually, at the same time and place that elec- Election of tions are held for supervisors and constable, and in wards and directors in boroughs at the time and place of the borough election, and old districts. in like manner, two persons shall be elected school directors for each district, whose term of office shall be three years; and the persons so elected shall be notified thereof within five days, by the judges of said election: *Provided,* That In new dis- in districts where directors have not been elected, or in new tricts, or in districts which may be established by the division of a town- cases of ne- ship, or otherwise, six directors shall be elected in such dis- glect. tricts at the first election, two to serve one year, two to serve two years, and two to serve three years.

SECTION 3. Within twenty days after said election, each Organiza- board of school directors shall organize, by choosing a presi- tion of the dent and secretary out of their own body—they shall also board. appoint a treasurer for the district, and shall require him to President, give sufficient security to insure the faithful performance of secretary, & his duty; they shall also have power to fill any vacancy treasurer. which may occur in their board by death, resignation, or otherwise, until the next election, when such vacancy shall Vacancies. be filled by electing a person to supply the same.

Ordinary
school tax.

Additional
school tax.

SECTION 4. The school directors of every school district which has adopted the Common School system, or which may hereafter adopt the same, shall, annually, on or before the first Monday in May, authorize to be levied such an amount of tax on said district as they may think necessary, for school purposes, not less than equal to, nor more than treble the amount which the district is entitled to receive out of the annual State appropriation; and for the purpose of raising any additional sum that may be deemed necessary, meetings shall be called of the taxable inhabitants of the township or district, by the directors, on the first Tuesday of May, annually, notice of the time and place of holding such meeting being first given, by at least six advertisements, put up in the most public places in such township or district for the space of two weeks, a majority of whom shall decide by ballot how much, and what additional sum shall be raised for school purposes; and any additional sum so authorized shall be assessed and collected, paid over and distributed in the same manner that is provided for by this Act.

Apportion-
ment of tax.

SECTION 5. The assessor of every ward, township, or borough, composing any school district as aforesaid, shall, upon demand, furnish the school directors of the district with a correct copy of the last adjusted valuation in the same for county purposes; whereupon, the board of directors shall, on or before the first day of June, annually, proceed to levy and apportion the said tax as follows, viz:

Profession
tax.

First, On all offices and post of profit, professions, trades, and occupations, and on all single freemen above the age of twenty-one years, who do not follow any occupation, not exceeding the amount assessed on the same for county purposes.

Personal
property tax.

Second, On personal property which was made taxable by an Act, entitled "An Act assessing a tax on personal property, to be collected with the county rates and levies, for the use of the Commonwealth," passed the twenty-fifth day of March, one thousand eight hundred and thirty-one; and the said property shall continued to be assessed according to the provisions of said Act, and upon all property now taxable for county purposes: *Provided*, That said Act, taxing personal property, shall not be so construed as to make widows' dower liable to the payment of taxes. [See Supplement of 1838, Sec. 10.]

Land, &c.
tax.

Proviso.

Dower.

SECTION 6. When the school tax is so levied and apportioned in any district, the secretary of the board of directors shall make out a correct duplicate of the same, and the president of the board shall issue his warrant, with the duplicate.

aforesaid, to the township or borough collector, or to some other suitable person residing within the district, to collect the said tax, [and shall require from him sufficient security to insure the faithful discharge of his duty ;] and the board of directors of each district shall have the right at all times to make such abatement or exonerations for mistakes, indi- Abatement.
gent persons, unseated lands, &c., as to them shall appear just and reasonable; and the secretary of the board shall enter into a book or books, to be kept by him for that purpose, the names of all persons so abated or exonerated, together with the reasons for such exonerations. [See Supplement of 1838, Sec. 6.]

SECTION 7. The said collector shall have like power to Power of
enforce the payment of the school tax, as collectors of county collector.
rates and levies have to enforce the payment of the same, and shall receive the like compensation for his services. From Time of set-
time to time, as the said tax is collected, the collector of the tlement.
district shall pay the amount over to the district treasurer, and shall settle up his duplicate on or before the time fixed upon in the warrant of the president: *Provided*, That if the tax Tax on un-
so levied on unseated lands, shall not be voluntarily paid by seated lands.
the owner or owners thereof, the district collector shall certify the same to the county commissioners, and the said county commissioners shall enforce the collection thereof in the same manner as the collection of the taxes on unseated lands is enforced when assessed for county purposes; and when so collected, the same shall be paid to the district treasurer for the time being, by orders drawn by the said commissioners on the county treasurer.

SECTION 8. The school directors of every school district Duties of
which shall have adopted the Common School system, shall school
perform the following duties, in addition to those above directors.
specified:

1. They shall, if they deem it expedient, divide the dis- Sub-dis-
trict into sub-districts, and shall establish a sufficient number tricts.
of Common Schools for the education of every individual
above the age of four years, in the district, who may apply, Age of
either in person, or by his or her parents, guardian, or next pupils.
friend, for admission and instruction, and shall keep the said Time of
schools open at least six months in every year, if they shall keeping
have funds for that purpose. schools
open.

2. They shall cause suitable buildings to be erected, School-
rented, or hired for school-houses, and supply the schools houses and
with fuel. fuel.

3. They shall exercise a general supervision over the Salaries of
schools of their respective districts, and fix the amount of the teachers.
salaries of the teachers.

Orders for
money.

4. They shall pay all necessary expenses of the schools, by orders drawn on the district treasurer, signed by the president, and countersigned by the secretary of the board.

Visitation of
schools.

5. Each board of directors, by one or more of their number, shall visit every school within their district at least once in every month, and shall cause the result of said visit to be entered on the minutes of the board.

Schools out
of adjoining
districts.

6. Whenever it may be necessary or convenient to establish one or more schools out of two or more adjoining districts, the school directors of such adjoining districts may establish and regulate such schools, and the expenses thereof shall be paid as may be agreed upon by the directors of said adjoining districts.

Directors to
report to su-
perintendent.

7. They shall, annually, on or before the first Monday in [January,] make a report to the superintendent of the Common Schools, setting forth the number and situation of the schools in their district, the character of the teachers, designating whether they are males or females, the number and sex of the scholars admitted during the year, the branches of study taught in each school, the number of months in the year during which each school shall have been kept open, the cost of school-houses, either for building, renting, or repairing, and all other expenses which may have been incurred in maintaining the schools of their districts, together with such other information as may be beneficial in forming a just estimate of the value of Common Schools. [The time for making the report was changed from January to June. See Supplement of 1840, Sec. 2; see also the Supplement of 1842.]

Directors
& treasurer
to serve
gratis.
Exemptions.

8. No school director or treasurer shall receive any pay or emolument whatever for his services as such; but he shall be exempt, during the time he continues to perform the duties of his office, from military duty, or from serving in any borough or township office.

Committee
in sub-
districts.

9. When the school directors shall have divided the several districts into sub-districts, for separate schools, the voters of each sub-district may meet, on notice being given for ten days at least, signed by not less than four voters of said district, and choose a committee of three, of their number, to serve for one year, who shall have the appointment of the teacher for such sub-district. [See Supplement of 1838, Sec. 14.]

In what sch-
pupils to be
taught.

10. The directors of each school district shall have the power to direct in which of the schools so established in pursuance of this Act, the individuals in said district who may be admitted, shall be instructed.

11. In case the school directors deem it inexpedient to divide their district into sub-districts, or in case the voters of

any sub-district shall neglect or refuse to elect a committee, Sub-dist's, as provided for in the ninth article of this section, then the neglect of duties of said committee shall devolve on, and be performed committee in. by, the school directors.

SECTION 9. The district treasurer shall receive all moneys Treasurer, belonging to the district, whether the same be derived from his duties. appropriations by the State, district taxes, private donations, or otherwise, and shall pay out the same on orders drawn by the president, and attested by the secretary of the board of directors, by order of the board, and his accounts shall be audited and adjusted as accounts of townships and boroughs are directed by law to be audited and adjusted. [See Appendix.]

SECTION 10. The Secretary of the Commonwealth shall Superintend- be superintendent of the Common Schools, and shall perform ent duties. the following duties :

1. Prepare suitable blank forms, with necessary instruc- To prepare tions for making district reports, and for conducting the forms for re- necessary proceedings under his jurisdiction; and shall cause ports. the same, together with all such information as he may deem necessary for the further improvement of the schools, to be transmitted to the commissioners of the several counties, for distribution among the several boards of directors, at the same time and in the same manner as the pamphlet laws of this Commonwealth are transmitted, and at such other times, and in such other manner, as he may think expedient.

2. Prepare and submit an annual report to the Legislature, To report to containing a statement of the condition of the Common Schools Legislature. throughout the Commonwealth, estimates and expenditures, plans for the improvements of the Common School system, and all such matters relating to his office of superintendent, and the concerns of Common Schools, as he shall deem it expedient to communicate.

3. He shall sign all orders on the State Treasurer for the To pay sch'l payment of moneys to the treasurers of the several school money. districts, but no order shall be drawn by him in favor of any district treasurer until he shall have been furnished with a certificate, signed by the president, and attested by the secretary of the board of directors of the district, that a sum at least equal to the amount of the district's share of the annual State appropriation of two hundred thousand dollars, has been levied on said district for school purposes.

4. If any controversy should arise among the directors of To settle any district or adjoining districts, concerning the duties of controver- their office, the distribution of the State appropriation, or the sies. levying and collection of taxes, he is hereby authorized to

settle and adjust the same, without cost to the parties; and all moneys reasonably expended by him in this and other matters appertaining to the execution of his duty as superintendent, shall, upon due proof, be allowed to him by the Auditor General, and be paid out of the State Treasury.

To transmit to commissioners statement of money due. 5. He shall annually, in the month of February, transmit to the commissioners of each county a statement of the amount every district therein that has, and every district that has not, adopted the Common School system, may be entitled to receive out of the annual appropriation of two hundred thousand dollars; and the commissioners shall immediately cause such statement to be published three times in one or more newspapers printed in said county: *Provided*, That nothing in any section of this Act shall be so construed as to deprive the districts which have not adopted the Common School system of their due proportion of the Common School fund, until after the first of November, 1838.

Proviso as to accumulation.

State appropriation. SECTION 11. One hundred thousand dollars, in addition to the one hundred thousand dollars payable by the Bank of the United States, both of which sums to be accounted and distributed as the State appropriation, are hereby appropriated out of the school fund, for the year one thousand eight hundred and thirty-seven, and a like sum annually thereafter, which shall be apportioned among the several school districts of this Commonwealth, and the city and county of Philadelphia, according to their number of taxable inhabitants, but shall only be subject to the drafts of the superintendent of Common Schools, agreeably to the provisions of this Act:

Proviso as to accumulation. *Provided*, That the balance of appropriations made under the Act, entitled "An Act to establish a general system of Education by Common Schools," passed the first day of April, one thousand eight hundred and thirty-four, and the Supplement thereto, and the balance of the first appropriation of one hundred thousand dollars, which shall remain undrawn on the first day of November, one thousand eight hundred and thirty-seven, and all subsequent balances; shall remain in the treasury, and accumulate for the use of such district or districts entitled to the same, for any term not exceeding one year, from and after the first day of November, one thousand eight hundred and thirty-seven; and all such undrawn balance remaining in the treasury on the first day of November, one thousand eight hundred and thirty-eight, shall be repaid into the school fund; and in like manner, the undrawn balance of subsequent appropriations shall be repaid into the said fund annually thereafter. [The provision relative to the accumulation, has been extended to November 1, 1845.]

SECTION 12. As soon as the president of the board of directors of any school district shall have issued his warrant for the collection of a school tax, agreeably to the sixth section of this Act, he shall certify the same, stating the amount of such tax, and also the name of the district treasurer, to the Superintendent of Common Schools, who shall forthwith draw his warrant on the State Treasurer for the whole amount such district is entitled to receive.

Certificate of
assessment
of tax.

SECTION 13. The school directors of every school district which shall not have adopted the Common School system, shall annually call a meeting of the qualified citizens of the district on the day of election for directors, to be held at the usual place of holding township, ward, or borough elections, by at least six advertisements, put up in the most public places of the district, for the space of two weeks; and the said meeting shall be organized between the hours of one and four o'clock, P. M., on the said day, by appointing a president, and the secretary of the board of directors, or, in his absence, some other member of the board, shall perform the duties of secretary to the meeting. When the meeting is so organized, the question of establishing the Common School system in the district shall be decided by ballot; and the said president and secretary shall perform the duties of tellers to the meeting, and shall receive from every person residing within the district, qualified to vote at the general election, a written or printed ticket, containing the word "Schools," or the words "No Schools," and shall continue without interruption or adjournment, until the electors who shall come to the said election shall have opportunity to give in their respective votes; and the said tellers shall count the votes, and if a majority shall contain the word "Schools," the secretary shall certify the same to the board of directors of the district, who shall proceed to establish schools therein, agreeably to the provisions of this Act; but if a majority shall contain the words "No Schools," the secretary shall certify the same to the county commissioners of the proper county; and the school directors of every school district which may have adopted the Common School system, may, if they deem it expedient, call a meeting of the qualified citizens of the district, on the first Tuesday of May, in the year one thousand eight hundred and thirty-seven, and on the same day in every third year thereafter, to be held at the usual place of holding township, ward, or borough elections, at which time and place an election shall be held, to decide by ballot whether the Common School system shall be continued or not. The notice for holding said meetings, and the time for, and manner of holding said elections, to be in conformity with the pre-

Meetings to
accept sch'l
system in
non-accept-
ing districts.

Meeting to
reject school
system in
accepting
districts.

ceding part of this section; and should there be a majority of the [taxable inhabitants] of said district in favor of "No Schools," the secretary shall certify the same to the [county commissioners] of the proper county, and the operation of the Common School system shall be suspended in said district, until such time as a majority of the citizens shall otherwise decide. [See Supplement of 1838, Sec. 11 and 12.]

Power of
directors to
hold prop-
erty, &c.

SECTION 14. The school directors of every school district in which the Common School system has been adopted, or shall hereafter be adopted, shall have power to purchase and hold real and personal property, which may be necessary for the establishment and support of said schools, and the same to sell, alien, and dispose of, whenever it shall be no longer required for the uses aforesaid; and in all cases where real estate is held by trustees for the general use of the neighborhood, as a school-house or its appendages, it shall be lawful for the said trustees, the survivor or survivors of them, to convey the same to the school directors aforesaid, and from thenceforth the said board shall hold the said property for the same term, and for the same uses, for which it was granted to said trustees.

Trustees
may convey
to directors.

Elections,
appropria-
tions, and
taxes, under
former Acts,
valid.

SECTION 15. School directors elected under the provisions of former Acts, shall severally hold their offices during the term for which they were elected; and all appropriations authorized by former Acts, whether by the State or County, and all taxes authorized to be raised for school purposes, shall be collected as they would have been collected if this Act had not been passed.

Education of
the poor in
non-accept-
ing districts.

SECTION 16. The county commissioners of every county within this Commonwealth, except the county of Philadelphia, when levying a tax for county purposes, shall estimate the amount which will be required to educate the poor, gratis, in the several districts of their county which shall have rejected the Common School system; and when an estimate is so made, they shall levy the amount on said districts, and collect the same in the usual manner, and shall continue to provide for the education of the poor, gratis, therein, agreeably to the provisions of an Act, entitled "An Act to provide for the Education of the Poor, gratis," passed the fourth day of April, one thousand eight hundred and nine, or such special Acts of Assembly as may be in force in any of the counties where there may be districts rejecting the provisions of this Act: *Provided*, That the whole expense thereby incurred shall be paid out of the amount levied on said districts as aforesaid. [Altered—see Act of 18th March, 1842.]

Proviso.

SECTION 17. Where a school is, or shall hereafter be, en- Endowed
dowed, by bequest or otherwise, the board of directors of the schools.
district in which such school is located, are hereby authorized
to allow such school to remain under the immediate direction
of the regularly appointed trustees of the same, and to appro-
priate so much of the district school fund to said schools as
they may think just and reasonable: *Provided*, That such Proviso.
schools shall be generally conducted in conformity with the
Common School system of this Commonwealth.

SECTION 18. The Act, entitled "An Act to provide for a Repealing
general system of Education by Common Schools," and also section.
the Supplement thereto, passed fifteenth day of April, Anno
Domini eighteen hundred and thirty-five, are hereby repealed:
Provided, That every thing heretofore done in pursuance of Proviso.
said Acts shall be held valid.

SECTION 19. If the corporation of the city of Lancaster Schools in
shall at any time adopt the Common School system, agree- the city of
ably to the provisions of this Act, then the Act to provide for Lancaster.
the education of children at the public expense in the city and
incorporated boroughs of the county of Lancaster, passed the
first day of April, one thousand eight hundred and twenty-
one, and the Supplement thereto, passed the first day of
April, one thousand eight hundred and twenty-three, shall,
from the time of the adoption of the Common School system
in said city, be inoperative, null and void.

SECTION 20. In all cases where, under "An Act to provide Certain dis-
for a general system of Education by Common Schools," tricts allow'd
and also the Supplement thereto, passed the fifteenth day of to accept be-
April, Anno Domini one thousand eight hundred and thirty- fore 1st Au-
five, the directors of any district may have met and decided gust, 1836.
to accept of the law, and have appointed a delegate to attend
the county Convention, for the purpose of accepting and car-
rying into effect the provisions of said law; but if, from any
cause, said delegate has failed to attend said Convention,
said township shall be entitled to all the benefits and provi-
sions thereof, on the same terms and conditions as those who
have literally complied are entitled: *Provided*, Said delegate Proviso.
shall, on or before the first day of August next, record the
vote of said township in the affirmative, with the clerk of the
Convention.

SECTION 21. The school year mentioned in this Act, and Termination
an Act, entitled "An Act to provide for a general system of of sch'l year.
Education by Common Schools," and the Supplement thereto,
passed the fifteenth day of April, one thousand eight hundred
and thirty-five, shall be taken, and understood to end on the
first Monday of June, to wit: the school year of one thousand

eight hundred and thirty-seven, will end on the first Monday of June of that year, and so of all other years.

Publication
of this Act.

SECTION 22. Immediately after the passage of this Act, the Superintendent of Common Schools shall cause circular letters, with a printed copy of this Act attached thereto, to be addressed to the county commissioners of every county; and it shall be the duty of the commissioners aforesaid to cause the same to be published in one and not more than three newspapers in the county, for three successive weeks, and the expense thereof shall be defrayed out of the county treasury; and the said Superintendent shall also cause this Act to be printed in pamphlet form, and shall forward to the county commissioners of each county a number of copies thereof, equal to the number of school directors in their county, to be distributed among the several boards of directors.

Copy to be
sent to each
director.

Effect of the
Act on Phi-
ladelphia.

SECTION 23. The Act, and its Supplements, now in operation in the city and county of Philadelphia, entitled "An Act to provide for the Education of children at the public expense, within the city and county of Philadelphia," are declared to be concurrent with the provisions of this Act, and are in no wise to be considered as altered, amended, or repealed, except so far that the said city and county shall be entitled to receive their due proportion and share of the annual State appropriation of two hundred thousand dollars: *Provided*, That the controllers of the public schools for the city and county of Philadelphia be, and they hereby are authorized, whenever they shall think proper, to establish one central high school, for the full education of such pupils of the public schools of the first school district, as may possess the requisite qualifications; and that the moneys expended in the establishment and support of the said high school, shall be provided and paid in the same manner as is now, or shall hereafter be, directed by law, with respect to the other public schools of the said district: *And provided further*, That so much of the tenth section of the Act of March the third, A. D. one thousand eight hundred and eighteen, as renders the exclusive use of the Lancasterian system, in the first school district, obligatory upon the controllers and directors, and all such provisions (if any) in the said Act, and the several Supplements thereto, as limit the benefits of the said public schools to the children of indigent parents, and so much of any Act as is hereby altered or supplied, be and the same are hereby repealed; and in said public schools all children over four years of age shall be admitted.

Proviso.

2d Proviso.

APPROVED—June 13th, 1836.

Resolution

Appropriating the sum of Five Hundred Thousand Dollars to the Common School Fund.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met*, That the sum of five hundred thousand dollars be, and the same is hereby appropriated to the Common School fund, to be paid on the first day of June next, and distributed according to the several laws of this Commonwealth regulating the distribution of such appropriations; said sum to be drawn from any moneys in the Treasury not otherwise appropriated, and to be applied by the several districts either for the building, repairing, or purchasing school-houses, or for education, as they may deem best.

APPROVED—April 3, A. D. 1837.

SUPPLEMENT OF 1838.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the sum of one hundred and eight thousand nine hundred and nineteen dollars be, and the same is hereby added to the annual Common School appropriation for the school year which will commence on the first Monday of June, eighteen hundred and thirty-eight; and such sum annually thereafter as will make the amount of appropriation equal to one dollar for each taxable citizen in the Commonwealth; said increased appropriation to be distributed and paid out in the manner directed by the Act to which this is a Supplement, without any increase of taxation beyond the amount therein named.

SECTION 2. Said sum of one hundred and eight thousand nine hundred and nineteen dollars shall be paid by the State Treasurer, out of the interest of the surplus revenue which was ordered to be added to the fund for the support of Common Schools within this Commonwealth, by the fourth section of the Act, entitled "An Act for the temporary disposition of the portion of the surplus revenue of the United States, to be

To be paid out of any money in the Treasury not otherwise appropriated deposited with Pennsylvania," passed the twenty-seventh day of February, eighteen hundred and thirty-seven. And after the expiration of the school year which will commence on the first Monday of June, eighteen hundred and thirty-eight, the amount necessary to raise the State appropriation, to a sum equal to one dollar for each taxable citizen in the Commonwealth, shall be annually paid out of any money in the Treasury not otherwise appropriated.

Triennial enumeration of taxables. SECTION 3. It shall be the duty of the commissioners of each county in the State, triennially, to ascertain, with the assistance of the respective assessors, the exact number of the resident taxable citizens of each Common School district in their several counties, and to certify the same, under their hands and seal of office, to the Superintendent of Common Schools, who is hereby directed to adopt the number of taxables thus certified to him, as the basis of distribution of the State appropriation; the said certificates to be prepared and transmitted on or before the first day of April in every third year, commencing with the first day of April, eighteen hundred and thirty-nine: *Provided*, That if the commissioners of any county shall neglect to forward such certificates on or before said day, the Superintendent may, in that case, adopt the numbers of taxables set forth in the next preceding certificate or return.

How made.

When sent.

Collector not to give bond. SECTION 6. The directors of the several Common School districts shall have power to appoint collectors of the Common School tax, without requiring bond or other security; and if the proper collector of county rates and levies, for the time being, shall be appointed for that purpose, it shall be his duty to serve: *Provided*, That the persons so appointed, without bond or other security, shall own a clear freehold estate, which, in the opinion of said directors, shall be a sufficient security for the faithful performance of his duties as collector.

Collector of county rates to serve.

Collector to own sufficient estate.

Penalty on collector for refusing to act. SECTION 7. If the proper collector of county rates and levies shall be appointed collector of the school tax as aforesaid, and shall neglect or refuse to serve; or if he, or any other person, having been appointed and taken upon himself the duties of his office as school tax collector, shall fail to fulfil and complete the performance of said duties, in either case, the person thus refusing or failing shall forfeit and pay the sum of twenty dollars, to be recovered before a justice of the peace or alderman, at the suit of the president of the proper board of directors, for the use of the district, as debts of a similar amount are now recoverable, without stay of execution: *Provided*, That no person who shall have served as collector of school tax shall be appointed or chosen for a second time, without his consent, for the term of ten years.

Collector not to serve more than once in ten years.

SECTION 8. It shall be the duty of the secretary of the board of directors, within three months of the actual delivery of the warrant and duplicate of school tax to the collector, appointed in pursuance of the provisions of this Act, to file a certificate, signed by the president of the board, and attested by the secretary, in the office of the Prothonotary of the Court of Common Pleas of the proper county, stating the amount due and unpaid by said collector; and it shall be the duty of the prothonotary forthwith to enter the same on his docket, which certificate shall, from such entry, have the same operation and effect as a judgment of said court, and executions may be issued thereon in like manner as on judgments, for the amount remaining unpaid, at any time after the entry aforesaid.

Balance of duplicate to be entered in Prothonotary's office. To have the effect of a judgment.

SECTION 9. No person shall be re-appointed collector of school tax, who shall not have paid over the whole amount of his former duplicate.

Former duplicate to be settled.

SECTION 10. It is hereby declared to be the duty of the commissioners of the several counties of this Commonwealth, to procure a return of the amount and value of the personal property made taxable by the Act of twenty-fifth of March, eighteen hundred and thirty-one, according to the provisions of said Act, for and within each school district in their respective counties, and to cause a copy of the same to be delivered to the president of the proper board of directors, on or before the first day of April, annually, in order to enable the directors to carry into effect the second paragraph of the third section of the Act to which this is a Supplement; which personal property shall annually be assessed by the said directors, at the same time, and at the same rate, as the real estate within their respective districts, for Common School purposes.

Co. Com'rs to furnish list of personal property. Which shall be taxed in same manner as real.

[Enlarged—See Act of 18th March, 1842.]

SECTION 11. If any person who may be, or has been, elected a school director, shall refuse to attend a regular meeting of the proper board, after having received written notice to appear and enter upon the duties of his office; or if any person, having taken on him the duties of his office as director, shall neglect to attend any two regular meetings of the board in succession, or to act in his official capacity when in attendance, the directors present shall have power to declare his seat in the board vacant, and to appoint another in his stead, to serve till the next regular election; and if the whole board should decline or refuse to serve, then a new board shall be elected, in the manner described in the second section of the Act to which this is a Supplement, on notice put up for two weeks, at six public places in the proper district, by any ten

Mode of vacating the seats of negligent directors. Of filling them.

Returns of
all Common
School elec-
tions.

Trial of con-
tested elec-
tions.

New elec'ns.

qualified voters of the district; the directors thus elected to be classed, and to hold their offices for the terms mentioned in the third section of the said Act. Returns of all Common School elections hereafter held, shall be made to the Court of Quarter Sessions of the proper county, at the next term succeeding such elections, respectively; and said court is authorized and required forthwith to examine all cases of contested or informal elections, and to decide them according to law; and in case any election shall be set aside, to order a new election at the usual place, on not less than two weeks' notice by the proper officer.

Common
Schools may
be discon-
tinued by a
majority of
votes polled
triennially.

SECTION 12. From and after the passage of this act, the Common School system may be discontinued or rejected in any accepting district, by a clear majority of the votes polled at a triennial meeting of the taxable citizens of the proper district, which meeting shall, in all other respects, be conducted in the manner pointed out in the thirteenth section of the Act to which this is a Supplement.

Schools
maintained
by religious
societies.

SECTION 13. When a free school of the Common School grade, shall hereafter be maintained in any accepting school district, under the care and direction of a religious society, it shall be lawful for the school directors of such district to cause to be paid to the proper person or persons, for the support of such school, any portion of the school money not exceeding the rateable share of the taxable inhabitants, whose children or apprentices shall be taught in such school: *Provided*, That the directors shall be satisfied that such application of the money would not, upon the whole, be injurious to the Common Schools of such district.

Powers of
primary
committees
may be
enlarged.

SECTION 14. It shall be the duty of any committee that has been, or that may hereafter be chosen, agreeably to the ninth article of the eighth section of an Act passed the thirteenth day of June, Anno Domini eighteen hundred and thirty-six, entitled "An Act to consolidate and amend the several Acts relative to a general system of education by Common Schools," to attend to all the local concerns of the respective sub-districts in which said committee shall be chosen, such as visiting the schools under their charge, providing fuel, repairing school houses; and the expenses of all such necessary repairs, fuel, &c., shall be paid by the school directors of the several districts, as already provided for by law: *Provided*, That the said committee be directed by the board of directors to perform the said duties.

With con-
sent of
directors.

SECTION 15. If any school director of any school district where the school law has been accepted, shall refuse or

neglect to do his duty, by levying the tax required by law, Court to appoint and putting the schools in proper operation, the directors or point directors willing to perform their duties, shall declare the office of such delinquent directors vacant, and appoint substitutes; and in case all said directors shall thus decline or refuse to do their duty, the Court of Quarter Sessions shall declare their offices vacant, and appoint substitutes, tors in certain cases.

SECTION 20. All laws or parts of laws relative to the Repealing Common School system, which are inconsistent with the section. provisions of this Act, are hereby repealed.

SECTION 21. Immediately after the passage of this Act, the Superintendent shall prepare and forward a copy of it to the president and secretary of each board of directors, and to the commissioners of each county in the State. Copy to be sent to directors and county commissioners.

APPROVED—April 12th, 1838.

NOTE.—Sections 4, 5, 16, 17, 18, 19, not having reference to the Common School system, or being obsolete, are omitted.

SUPPLEMENT OF 1840.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the school directors of every school district, which shall have accepted the Common School system of education, in conjunction with such person or persons as they may associate with themselves for the purpose, to examine every person wishing to be employed as a teacher, in their district, and if found qualified and of good moral character, shall issue a certificate to the person, to that effect, naming therein the branches which he or she is found qualified to teach, which certificate shall be signed by a majority of the acting board of directors, and that no person shall be employed as a teacher, unless he shall have procured such certificate, which shall be renewed annually. Directors to examine teacher. To give certificate.

SECTION 2. That the report to the Superintendent, required by the eighth section of the Act to which this is a Supplement, to be made by the directors of every accepting school district, on or before the first Monday in January, in each year, shall hereafter be made annually, on the first Monday in June, or Annual report to be made on the first Monday of June.

as soon thereafter as practicable, and shall include the proceedings for the year ending on the first Monday in June.

APPROVED—April 21st, 1840.

SUPPLEMENT OF 1841.

Com-
mis-
sioners to
return new
districts.

Whenever a new school district shall be formed, in any county in this Commonwealth, it shall be the duty of the commissioners thereof to certify to the Superintendent of Common Schools, before the commencement of the next succeeding school year, the number of taxable inhabitants therein; and, also, the number in the district or districts from which it was taken, separately, according to the last preceding triennial enumeration of taxables made for school purposes, so that the whole number in such new district, and in that or those out of which it was taken, being added together, shall be neither greater nor less than the number that was therein before the change was made, and according to the last triennial certificate or return of taxables thereof, made by said commissioners.

APPROVED—May 4th, 1841.

SUPPLEMENT OF 1842.

County com-
missioners
to furnish
list of pro-
perty taxable
for school
purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* The county commissioners of this Commonwealth shall, upon demand, furnish the school directors of each accepting district, with a correct copy of the last adjusted valuation of all property in their respective school districts subject to taxation for school purposes, and so much of the Act to which this is a Supplement, as conflicts with the provisions of this section, is hereby repealed.

No money
to be paid
till report is
received.

SECTION 3. That until the directors of any accepting school district in this State, make a report as required by the seventh section of the Act of the thirteenth of June, one thousand eight hundred and thirty-six, and the second section of the Supplement thereto, passed twenty-first April, one thousand eight hundred and forty, entitled "An Act to consolidate and amend the several acts relative to a general system of education by

Common Schools," the Superintendent of Common Schools shall not deliver to said directors, or to the district, any order upon the State Treasurer for money belonging to the district, for this or any succeeding year, but in all cases before an order issues, the report from the district shall be made to the proper officer: *Provided*, That nothing herein contained shall be construed to prevent the issuing of orders to the directors of new accepting districts as heretofore.

APPROVED—March 18th, 1842.

NON-ACCEPTING DISTRICTS.

An Act

To provide for the Education of the Poor in the NON-ACCEPTING School Districts of this Commonwealth, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this Act, it shall be the duty of the directors of every non-accepting school district, elected in pursuance of the second section of the Act to consolidate and amend the several Acts relative to a general system of education by Common Schools; passed thirteenth June, one thousand eight hundred and thirty-six, on or before the first Monday of January, in each and every year, to issue a precept to the assessors of their several districts, requiring them to receive from the parents the names of all the children between the ages of five and fourteen years, who reside therein, and whose parents are unable to pay for their schooling; and it shall be the duty of the several assessors in the said school districts, to make return of the names of the said children to the directors, on or before the first day of April, next after the date of the said precept to the said directors, who shall, after giving ten days notice by public advertisement, hold an appeal, to hear all persons who may apply for alterations or additions of names in the said return, and make all such alterations as shall appear just and reasonable, and shall thereupon make an estimate of the sum required to educate the said children for the year commencing on the first Monday in June.

Duty of school directors in non-accepting districts.

Assessors to return poor children between 5 and 14 years of age.

Assessors to
furnish di-
rectors with
a copy of
adjusted
valuation.

SECTION 2. The assessor of every ward, township, or borough, composing the non-accepting school district, shall, upon demand, furnish the school directors of the district with a correct copy of the last adjusted valuation in the same for county purposes, whereupon, the board of directors shall, on or before the first day of June, annually, proceed to levy and apportion the sum so, as aforesaid, estimated in the same way and manner as county rates are levied, and issue a warrant for the collection of the same to the township supervisors, whose duty it shall be to collect the same, in the same manner and for the same per centage as road taxes are collected.

Directors to
furnish
teachers
with list of
children.

SECTION 3. It shall be the duty of the directors of each of the non-accepting school districts to send a list of the names of the children aforesaid, to the teachers within their respective school districts, and the accounts for teaching shall be examined, and if found correct, paid by the said directors; and the accounts of the said directors shall be settled by the township auditors in the usual way.

County com-
missioners
to pay cer-
tain tax to
township
which has
accepted the
school law.

SECTION 4. That in all cases when there has been a tax levied by the county commissioners, in any county in this State, upon the inhabitants of any township which has not accepted the school law for the education of the poor, gratis, in pursuance of the sixteenth section of the Act of the thirteenth day of June, one thousand eight hundred and thirty-six, entitled "An Act to consolidate and amend the several Acts relative to a general system of Education by Common Schools," and the money has not been expended by them in educating the poor, gratis, the same shall be paid over to said township who shall have accepted the school law, to be by the school directors appropriated to Common School purposes.

Repealing
clause.

SECTION 5. So much of Act of fourth April, one thousand eight hundred and nine, entitled "An Act to provide for the Education of the poor, gratis," as is hereby altered or supplied, is hereby repealed.

APPROVED—July 30th, 1842..

SUPPLEMENT OF 1843.

An Act

Relative to certain undrawn balances in the School Fund, and
for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the balance of the appropriations made under the Act, entitled "An act to establish a general system of education by Common Schools," passed the first day of April, one thousand eight hundred and thirty-four, and the several supplements thereto, and the balance of the first appropriation of one hundred thousand dollars, and all subsequent balances which shall remain undrawn on the first of November, eighteen hundred and forty-three, and all subsequent balances shall remain in the Treasury, and accumulate for the benefit and use of such district or districts entitled to the same, for any time not exceeding two years from the first of November, eighteen hundred and forty-three. Undrawn balances.

SECTION 2. That in all cases when there has been a tax levied by the county commissioners, in any county of this State, upon the inhabitants of any township which has not accepted the school law, for the education of the poor gratis, in pursuance of the sixteenth section of the Act of the thirteenth day of June, one thousand eight hundred and thirty-six, entitled "An Act to consolidate and amend the several Acts relative to a general system of education by Common Schools," and the money has not been expended by them in educating the poor gratis, the same shall be paid over to said township, to be, by the school directors of said township, appropriated to school purposes. County Commissioners to receive fund tax collected for the education of the poor.

SECTION 3. That the board of directors of any city, ward, or borough, composing an accepting Common School district, shall, if they deem it expedient and conducive to the advan-

An Inspector may be appointed in wards and boroughs. To receive compensation. Directors not exempted from their usual duties.

tage of such district, annually appoint an Inspector of the Common Schools thereof, who shall devote his time and attention to the visitation, inspection, and care, of said schools, and to the performance of such other duties connected therewith, as shall be assigned him by said board in their regulations, for which service he shall receive such compensation as the proper board shall determine at the commencement of each school year: *Provided*, That nothing herein contained, shall exempt directors of any district adopting the provisions hereof, from the performance of their general duties, as directed in the eighth section of the Act of the thirteenth June, one thousand eight hundred and thirty-six, entitled "An Act to consolidate and amend the several Acts relative to a general system of education by Common Schools."

APPROVED—April 8, 1843.

An Act

Supplementary to an Act, entitled "An Act to provide for the education of the poor in the non-accepting School districts of this Commonwealth, and for other purposes."

WHEREAS, by the Act of the thirtieth day of July, one thousand eight hundred and forty-two, entitled "An Act to provide for the education of the poor in the non-accepting School districts of this Commonwealth, and for other purposes," no provision is made for the education of the poor in such non-accepting School districts, for the period between the first day of January and the first Monday in June, one thousand eight hundred and forty-three: AND WHEREAS, much inconvenience is likely to arise from this omission, the teachers in such districts having generally continued to instruct the children of the poor as heretofore, for which services, as the law now stands, the said teachers will receive no compensation: Therefore,

Directors in certain non-accepting districts to pay for the

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the School directors of the non-accepting School districts within this Commonwealth, are hereby authorized and required to pay, out of the money to be collected under the provisions of the Act to which this is

a supplement, all just claims for tuition of the poor in said tuition of the non-accepting districts, between the first day of January and poor, from the first Monday in June, one thousand eight hundred and January to forty-three, the bills of said teachers to be made out and June, 1843. certified, as directed by the Act of April fourth, one thousand eight hundred and nine, entitled "An Act to provide for the education of the poor gratis."

APPROVED—March 11, 1843.

Resolution

Relative to the education of the poor in the non-accepting School districts.

WHEREAS, it appears that in some of the non-accepting School districts of this Commonwealth, the School directors neglected to issue their precept on the first Monday of January last, to the assessors of their several districts, requiring them to receive from the parents the names of the children between the ages of five and fourteen years who reside therein, and whose parents are unable to pay for their schooling, with a view of ascertaining how many children there are in said districts, respectively, who are to receive the benefit of an education at the public expense, and thereupon to make an estimate of the sum required to pay for such education, agreeably to the provisions of an Act, entitled "An Act to provide for the education of the poor in the non-accepting School districts of this Commonwealth, and for other purposes," passed the thirtieth day of July, Anno Domini eighteen hundred and forty-two: Therefore,

1. *Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met,* That it shall be lawful for those School directors who have neglected to issue their precept on the first Monday of January last, in the manner set forth in the foregoing preamble, to issue the same on or before the first Monday in June next, and to proceed in like manner as if the said precept had been issued at the time required by the aforesaid Act, excepting that it shall be the duty of the collectors of the county rates and levies, in lieu of the township supervisors, to collect the tax for the education of the poor children in the aforesaid non-accepting School districts. Directors to issue their precept in June next.

"The first board elected in certain non-accepting districts to provide for the instruction of the poor.

2. *Resolved*, That in each and every non-accepting School district in which, owing to neglect, or any other cause, directors had not been previously elected, it shall be the duty of the board first chosen therein, forthwith to perform the duties directed in the Act, entitled "An Act to provide for the education of the poor in the non-accepting School districts of this Commonwealth, and for other purposes," for the instruction of all children therein described, whose parents are unable to pay for their schooling, so that the instruction of the children aforesaid shall commence on or before the first Monday in October next, ensuing the first election of said directors: *Provided*, That during every subsequent year the acts and duties of said directors, relative to the instruction of the children aforesaid, shall be performed at the times specified in the Acts aforesaid.

Board to establish schools.

3. *Resolved*, That in every non-accepting School district, in which there are not schools convenient or sufficient for the instruction of the children of indigent parents, it shall be the duty of the proper board of directors to establish a school or schools, or to make such other arrangements as will ensure the instruction of such children in reading, writing, and arithmetic, by a competent teacher, during at least six months in the year.

Election for accepting system may be held at any time.

4. *Resolved*, That it shall be lawful hereafter in the several non-accepting districts of this Commonwealth, in which the question of accepting the Common School system was not voted upon, at the time designated by law, for the directors of such district or districts, or for any ten qualified voters thereof, to give notice for an election to be held at such time as they may designate, such notice to be given by at least six advertisements put up in the most public places in the district for the space of two weeks; the said election to be conducted in the mode directed by the thirteenth section of the Act of the thirteenth June, eighteen hundred and thirty-six, entitled "An Act to amend and consolidate the several Acts, relative to a general system of education by Common Schools;" and, if the said system shall be accepted, the board of directors shall have all the powers necessary to carry the system into effect, under existing laws, as fully and effectually as if the question had been so determined on the day directed by the said thirteenth section of the Act of thirteenth June, eighteen hundred and thirty-six.

Division of the funds in new districts

5. *Resolved*, That in all cases heretofore, as well as those hereafter occurring, where a new School district shall have been, or hereafter may be formed, by the erection of a new township from an old township or townships, which had

accepted of the provisions of the Common School law, such new district shall be entitled to receive a *pro rata* dividend or distribution, according to the number of taxable inhabitants in such new district, when compared with the district or districts from which such new district may be, or shall have been formed, of all moneys to which such old district was entitled and received, under the several provisions of the Common School law of this Commonwealth, for any year or years previous to such division.

6. *Resolved*, In all cases where moneys have been received by any old school district or districts, as contemplated in the foregoing section, and which the new district would be entitled to receive according to the provisions of this Act, it shall and may be lawful for the township composing such new district, to recover the same, by suit against the township or townships composing the district from which such new township or district was erected: *Provided*, That all suits now pending for moneys as aforesaid, and in which judgment has not been entered, as well as those hereafter to be brought, shall be subject to the provisions of this Act.

APPROVED—April 18, 1843.

An Act

For the relief of the Overseers of the Poor of the borough of Erie, and for other purposes.

SECTION 10. That the School directors in the non-accept- Directors to ing School districts, are hereby authorized to require the require su- supervisors of the several districts, to give such security as perversors to they may deem necessary, for the faithful performance of the give security duties enjoined upon them by the Act, entitled "An Act for the education of the poor in the non-accepting School districts of this Commonwealth, and for other purposes," passed thirtieth day of July, one thousand eight hundred and forty-two.

APPROVED—April 18, 1843.

EXPLANATORY INSTRUCTIONS AND FORMS.

DISTRICTS.

As to what shall compose a school district—[See Sect. 1.]
Each and every ward of a borough, as well as of a city, (except Philadelphia city and county,) having a separate assessor of county rates and levies, shall form a district. But if there be only one assessor of county rates and levies for a whole borough, such borough, though composed of more wards than one, shall form only one district.—[Sect. 1.]

ELECTION OF DIRECTORS.

In townships which form districts, directors are to be elected at the time and place of electing supervisors and constables; and in boroughs which form districts, at the time and place of electing borough officers. But where a borough is connected with a township in the formation of a district, the directors of such district are to be elected at the time and place of electing the supervisors and constable of such township.—[Secs. 1 and 2.]

ELECTION IN NEW DISTRICTS.

In case of a new district formed by the division of a township, or the separation of a borough from a township, in the assessment of county rates and levies, six directors shall be elected, in the first instance, in such new district. But if there be any of the old board of directors chosen before the division, residing in the new district, they shall act as directors therein till the next election, and shall fill up all vacancies in the board of the new district, by appointment, till the next election.—[Sections 2d and 3d.]

FILLING VACANCIES.

All vacancies in a board of directors are to be filled by appointment, by the remaining directors, till next election.—[Section 3.]

If a district neglect to elect directors at the proper time, such neglect amounts to a vacancy, which is to be filled by appointment, till next election.

In case of the formation of a new district, every director residing within such district, shall cease to be a director of the old district, out of which it was formed; and the vacancy thus created, shall be filled by appointment till next election.

A tie in electing directors is to be treated as a vacancy.

REMOVAL OF DIRECTORS FROM OFFICE.

Directors are to be removed from office either by their colleagues or the Court of Quarter Sessions.

I. DIRECTORS ARE TO BE REMOVED BY THEIR COLLEAGUES IN THE FOLLOWING CASES :

1. Any person elected a director, who shall refuse or neglect to attend at a regular meeting of the board, to take on him the duties of his office, after being notified in writing to do so, may be removed by the members present at such meeting, if they see fit to do so, and another appointed in his stead till next election.—[Sec. 11—Supp. of 1838.]

2. The same may be done in case of a director, who having taken on him the duties of his office, shall neglect or refuse to attend any two regular meetings of the board in succession.—[Sect. 11—Supp. 1838,]

3. The same shall be done in case of a director who shall attend, but shall neglect to perform the duties of his office, which neglect will be proved by his refusal to vote on the questions before the board, or to act in an office to which the other members elected him with his own consent.—[Sections 11 and 15—Supp. 1838.]

4. If the whole board shall decline or refuse to *serve*, (that is, to take on them the duties of their office in the first instance,) then a full new board shall be elected at a meeting called by any ten qualified voters of the proper district, in the manner pointed out by the 11th section.—[Supp. of 1838.]

If all the members but one refuse to serve, that one may fill the board by appointment till next election.

II. DIRECTORS OF AN ACCEPTING DISTRICT, WHO HAVE TAKEN ON THEM THE DUTIES OF THEIR OFFICE, ARE TO BE REMOVED BY THE COURT IN THE FOLLOWING CASES :

1. When a *whole* board of directors refuse to levy and assess such an amount of tax as will entitle their district to its share of State appropriation.

2. When they refuse to put the schools into operation.
3. And when they refuse to perform any of their other duties, the performance of which does not rest in their own discretion, but is required by law, and is actually necessary to the operation of the system.—[Sect. 15, Supp. of 1838.]

NOTE.—The difference between that part of the 11th section which relates to directors who “decline or refuse to serve,” and the 15th section, seems to be this: That the former relates to directors who refuse or decline to take on them the duties of their office in the first instance, or to act as directors at all; and the latter to directors who have taken on them their duties and commenced acting, but subsequently refuse to go and complete those duties. In the former cases, the other directors are to appoint, or if the whole board decline, the people are to elect; in the latter case, the court are to appoint substitutes till the next election.

ORDINARY SCHOOL TAX.

The following are the steps to be taken by directors, for the purpose of levying and apportioning the tax necessary to conduct the ordinary operations of the system.

I. They shall, on or before the first Monday of May, annually, meet and fix the amount required for the year, which is to commence after the first Monday of June, then next ensuing, which shall in no case be less than equal to, nor more than treble the amount the district may be entitled to receive out of the \$200,000, State appropriation.

II. They shall, in the next place, fix a rate of tax upon “all offices and posts of profit, professions, trades, and occupations, and upon all single freemen, above the age of twenty-one years, who do not follow any occupation, not exceeding the amount assessed on them for county purposes.”—[Sect. 5.] If the proceeds of this tax be more than equal to the desired amount, they shall proportionably reduce the different items of it, so as to retain the necessary sum, and shall cause the same to be collected. But, if unequal—

III. They shall proceed to apportion the residue required upon personal property under the Act of 25th March, 1831. and upon “all property now taxable for county purposes,” [Sect. 5,] in such manner and proportions as may be just and right.

IV. The secretary of the board shall then proceed to assess the tax thus apportioned on the individual taxable inhabitants of the district, and shall make out a correct duplicate of the same, which, with the warrant of the president for the collection thereof, shall be delivered to the proper collector.—[Sect. 6.]

It is the duty of the county commissioners to prepare and furnish the directors of each district, on or before the first of April annually, with a return of the personal property described in the act of 25th March, 1831, and of all property taxable for school purposes; and the rate of tax on this property is to be the same as the rate of tax on real estate, and is not restricted to one mill on the dollar of valuation.—[Supp. of 1838, Sect. 10—and Supp. of 1842, Sect. 1.]

For form of warrant and bond of collector, see Appendix.

ADDITIONAL TAX.

If directors shall deem it necessary to raise a tax for extraordinary purposes, such as building or purchasing school houses, increasing the operations of the system beyond the expense of the previous year, &c., “additional” to that already authorized by them, they shall proceed as directed by the 4th section. In that case, they shall delay the apportionment and assessment of the ordinary tax, till it be ascertained whether or not an additional tax shall be authorized. If it be authorized, then they shall add the amount thereof to the amount of the ordinary tax, and shall apportion and assess the aggregate amount as prescribed by section 5.

To prevent confusion, it is recommended, in case an additional tax is deemed necessary, that a specified sum be in all cases named by the directors, for or against which the taxable inhabitants may vote, such sum to be named on the tickets of those in favor of the additional tax; and the words “no additional tax” on the tickets of those opposed to it.

The amount of tax at present required to be raised to entitle a district to its share of State appropriation, is a sum at least equal to 50 cents for every taxable inhabitant in the district. It may be greater than this, but cannot be less.

The collector may be appointed without bond; but in that case shall own a clear freehold estate, sufficient, in the opinion of the board, to secure the faithful performance of his duty; and the amount of the unsettled balance of the duplicate, at the end of three months, shall be entered in the Prothonotary’s office, in the nature, and with the effect, of a judgment against the collector. [Sections 6 and 8, Supplement 1838.]

If the proper collector of county rates of the district is selected as school tax collector by the directors, he *must* serve, under a penalty of \$20.—[Sections 6 and 7.] And if he, or any other person having taken on him the duties of the office of collector, shall refuse or neglect to fulfil and complete

them, the collector of county rates, or such other person, shall also pay a penalty of \$20. But no person, other than the collector of county rates, is subject to the penalty for not assuming or taking on him the office of collector in the first instance.

The collector of county rates may be compelled to act as collector of school tax, though some other person was previously selected by the board, and refused to serve, or failed to fulfil his duties.—[Sect. 7, Supplement 1838.]

No person is obliged to act as collector of school tax oftener than once in ten years; and no person can be re-appointed, even with his own consent, unless he has settled up the amount of his former duplicate.—[Sections 7 and 9, Supplement 1838.]

POWER OF COLLECTORS TO ENFORCE PAYMENT.

Collectors of school tax shall have like power to enforce payment as collectors of county rates and levies have, viz :

“If any person shall neglect or refuse to make payment of the amount due by him for such tax, within thirty days from the time of demand so made, it shall be the duty of the collector aforesaid to levy such amount by distress and sale of the goods and chattels of such delinquent, giving ten days’ public notice of such sale by written or printed advertisements; [and in case goods and chattels sufficient to satisfy the same, with the costs, cannot be found, such collector shall be authorized to take the body of such delinquent, and convey him to the jail of the proper county, there to remain until the amount of such tax, together with the costs, shall be paid, or secured to be paid, or until he shall be otherwise discharged by due course of law.”]* Sect, 21, Act 15th April, 1834, relating to county and township rates and levies.

COMPENSATION OF COLLECTORS.

They shall receive like compensation as collectors of county rates and levies, viz :

“Every collector shall be entitled to retain, at the final settlement of his duplicate, the sum of five per cent. on all moneys by him collected, which shall be allowed to him by the treasurer of the proper county or township, as the case may be, and shall be in full compensation for his services as collector.”—[Sect. 52, Act of April 15, 1834, relating to county and township rates and levies.]

* The part in brackets has been repealed.

SETTLEMENT OF TREASURER'S ACCOUNTS.

The treasurer's accounts shall be audited and adjusted in the same manner as township and borough accounts are by law audited and adjusted, viz :

“SECTION 102. The auditors of each township, any two of whom duly convened, shall be a quorum, shall meet annually on the second Monday of April, and oftener, if necessary, and shall audit, settle, and adjust the accounts of the supervisors and treasurer of the township, and of such other township officers as may by law be referred to them.

“SECTION 103. The report of such township auditors shall be filed with the town clerk, if there be one ; and if there be no town clerk, it shall remain with the senior auditor, for the inspection of all persons concerned.

“SECTION 104. It shall be lawful for the township, or the officer accounting, to appeal from such settlement to the Court of Common Pleas of the same county, within thirty days after such settlement ; whereupon, the court may direct an issue to determine disputed facts, if necessary : *Provided*, That no appeal by such officer shall be received, unless the appellant shall enter into a recognizance, with two sufficient sureties, conditioned to prosecute the appeal with effect, and to pay all costs accruing thereupon.

“SECTION 105. The auditors of each township shall have the same power and authority to obtain the attendance, before them, of parties and witnesses, and the production of books and papers, and to administer oaths and affirmation, as are by law given to county auditors.

“SECTION 106. The auditors of every township shall respectively receive the sum of one dollar for each day necessarily employed in the duties of their office, which shall be paid by the township treasurer, out of the township funds.”—[See Act of the 15th April, eighteen hundred and thirty-four, relating to counties and townships, and county and township officers.]

RETURNS OF AND CONTESTED ELECTIONS.

Returns of all school elections hereafter held, whether for the choice of directors, or for the acceptance or discontinuance of the system, are to be made by the officers of the election to the next Court of Quarter Sessions of the proper county. On receiving such returns, it is the duty of the court forthwith to examine into, and decide all exceptions then made against

the regularity of the election, and in case of its being set aside, to order a new election, in the manner pointed out by the eleventh section.—[Sect. 11, Supplement 1838.]

SCHOOL YEAR.

By the 21st section of the Act of 1836, the school year is to end on the first Monday of June, and to have the same number as the year in which it ends. Thus the school year 1843 will end on the first Monday of June, 1843. Still, however, the operations of the succeeding year, such as the election of directors, assessment of tax, &c., are transacted before that time.

REPORT TO SUPERINTENDENT.

The report to the Superintendent, though formerly made on the first Monday of January, is hereafter to be made on the first Monday of June, and to include the proceedings for the year ending on that day.

No order for the money can be issued by the Superintendent, till he receive the report.—[Sect. 2, Supplement of 1840, and Sect. 2, Supplement of 1842.]

APPENDIX.

FORM OF BOND OF DISTRICT TREASURER.

County, ss.

Know all men by these presents, that we
and are held and firmly bound to
president of the board of school directors of district,
in the county aforesaid, and to his successors in office, for the
use of the district aforesaid, in the sum of -
(here insert double the amount of the sum which will probably
come into the hands of the treasurer in one year for school
purposes,) lawful money, to be paid to the said
or his successors, to the which payment, well and truly to be
made, we bind ourselves, jointly and severally, our heirs,
executors, and administrators, and every of them, by these
presents. Sealed with our seals, dated the day of
in the year of our Lord, 18

Whereas, the said _____ has been duly appointed treasurer of the said school district, for and during the term of one year from the date hereof; now the condition of this obligation is such, that if the said _____ shall, and do well and truly, execute and perform the duties of said office according to law, and shall, at the end of the term aforesaid, faithfully account for the school money he shall have received during the term aforesaid, and shall pay over into the hands of his successor in office such balance as may then remain in his possession, this obligation to be void, or else to remain in full force and virtue.

Sealed and delivered }
In presence of us. }

$$\begin{bmatrix} \text{L. S.} \\ \text{L. S.} \\ \text{L. S.} \end{bmatrix}$$

FORM OF BOND OF DISTRICT COLLECTOR.

Know all men by these presents, that we _____ and
_____ are held and firmly bound to
_____, president of the board of school directors of
_____ district, in the county aforesaid, and to his successors in office,
for the use of the district aforesaid, in the sum of _____

(here insert double the amount of the duplicate,) lawful money, to be paid to the said _____ or his successors; to the which payment, well and truly to be made, we bind ourselves, jointly and severally, our heirs, executors, and administrators, and every of them, by these presents. Sealed

with our seals, dated the day of in the
year of our Lord, 18

Whereas, the said has been duly appointed
collector for the school year which will terminate on the first
Monday of June, 18 , of the school tax of
district aforesaid: now the condition of this obligation is
such, that if the said shall, and do well and
truly, execute and perform the duties of said office, according
to law, and shall faithfully account for, and pay into the hands
of the proper treasurer of said district, the money which shall
come into his hands as collector aforesaid, and shall settle up
his duplicate on or before the day of next,
according to law, then this obligation to be void, or else to be
and remain in full force and virtue.

Sealed and delivered in }
the presence of us. }

[L. S.]
[L. S.]
[L. S.]

FORM OF WARRANT TO COLLECTOR OF SCHOOL TAX.

County,

District ss.

To of in said county.

These are to authorize and require you to demand and
receive of and from every person in the annexed duplicate
named, the sum wherewith such persons stand charged, and
you are to collect and pay over all such moneys as you may
have received, to , treasurer of the said school
district, and his successor in office, on or before the
day of next; at which time abatement or allow-
ance for mistakes or indigent persons will be made, and
within months from the date hereof, you shall pay into
the hands of the said treasurer the whole amount of the taxes
charged and assessed in the annexed duplicate, without further
delay, except such sum as the directors may, in their discretion,
exonerate you from.

And if any person shall neglect, or refuse to make payment
within thirty days from the time of such demand, it shall and
may be lawful to and for you, and you are hereby com-
manded, to levy the said tax by distress and sale of the goods
and chattels of such delinquent, giving ten days' public notice
of such sale, by written or printed advertisements, and ren-
dering the overplus (if any there be, after such sale,) to the
owner. Hereof fail not.

Given under my hand and seal, at the day
of A. D.

President of the Board of Directors of [L. S.]
district.

FORM OF CERTIFICATE OF ASSESSMENT OF SCHOOL TAX.

[Here insert the amount of tax assessed, in figures.]

[Date.]

To the Superintendent of Common Schools :

SIR,—I do hereby certify, that a school tax, amounting to dollars, has been regularly levied and assessed for the school year, ending on the first Monday of June,* A. D. upon district county ; that a warrant for the collection thereof has been delivered to the district collector, according to law ; and that the aforesaid sum, is, at least, equal to the amount of this district's share of annual State appropriation.

I do further testify that (of Post Office, county of ,) is lawfully appointed treasurer of this school district.

Attest :

(Signed,)

PRESIDENT.

Secretary.

Post Office.

*See Act of 1836, Sect. 21, and Remarks on "school year," page 26.

FORM OF ORDER ON DISTRICT TREASURER.

\$—,

[Date.]

To the Treasurer of }
District county : }

SIR:—Pay to or order, dollars
(being one quarter's salary due him as teacher, up to ,
or on account of salary, or for fuel furnished to school
house, or for rent of school house, &c., as the case may be,)
for which this will be your sufficient voucher, on settlement
of your accounts.

By order of the Board.

Attest :

(Signed,)

PRESIDENT.

Secretary.

FORM OF CERTIFICATE OF NON-PAYMENT OF TAX ON UNSEATED LAND.

To the Commissioners of the County of

GENTLEMEN,—I do hereby certify, that the following school tax on unseated land within the district of _____, was regularly assessed and set forth in the duplicate of school tax for the year _____, delivered to me for collection by the president of the board of directors thereof, and that the same has not been voluntarily paid to me: you are therefore required to cause the same to be collected and paid over, agreeably to the 7th section of the Act, entitled “An Act to consolidate and amend the several Acts relative to a general system of education by Common Schools,” passed the 13th day of June, 1836:

	DOLLARS.	CENTS.
Viz: Upon land of A. B.	—	—
Upon land of C. D.	—	—
	—	—

(Signed,) _____
*Collector of School Tax for
the District of*

[Date.]

FORM OF DEED OF LAND TO SCHOOL DIRECTORS

Know all men by these presents, that we _____, of _____, for and in consideration of _____ dollars, to us paid at the ensealing hereof, by _____, Directors of Common Schools, of _____ township, district in the county of _____, the receipt of which is hereby acknowledged, do grant, bargain, sell, assure, and convey, to the said directors aforesaid, their successors and assigns, a piece of ground, situate in said township of _____, described as follows, viz:

Beginning _____, containing _____; being part of the premises conveyed by _____ to the grantors, by deed dated, [Here insert the necessary recitals,] together with all its rights, members, and appurtenances; to have and to hold the said piece of ground, and appurtenances, to the said _____, directors aforesaid, their successors and

assigns for ever, for the establishment and support of Common Schools in said district, according to law. And , the said , do covenant with the said Directors, their successors and assigns, that they are lawfully seized, in fee of the afore-granted premises; that they are free of all incumbrances; that they have a good right to sell and convey the same to the said directors, and will warrant and defend the same premises to the said directors, their successors and assigns, for ever, against the lawful claims and demands of all persons, [This constitutes a *general warranty*. If a *special warranty* be desired, let the following words be added:] claiming, by, from, or under them, or any of them.

In witness, &c.

Sealed and delivered in }
our presence : }

[L. S.]
[L. S.]
[L. S.]

[Receipt for the purchase money, and acknowledgment before a Justice, to be in the usual form.]

FORM OF LEASE OF SCHOOL HOUSE AND LOT TO SCHOOL DIRECTORS.

Know all men by these presents, that I , of , agree to let and rent to , Directors of Common Schools, for district, in county, and their successors, [Here insert the words "and assigns," if it is agreed to confer upon directors power to assign the lease,] a house or building in said township, with about of ground, adjoining lands of , for the establishment and support of Common Schools in said district, according to law, for the term of , from the day of , at the annual rent of ; to be paid in payments. The premises to be surrendered at the expiration of said term, in good order—casualties excepted.

In witness, &c.

Sealed and delivered in }
presence of us: }

[L. S.]

FORM OF AGREEMENT BETWEEN SCHOOL DIRECTORS AND TEACHER.

It is agreed by and between _____, Teacher, and
President of the Board of Directors of Common
Schools, of _____ district, in _____ county, that said
_____ shall, under the supervision and exclusive direction
of the Board of Directors of said district, and their successors,
teach in the school house, or building, at or near _____,
for the term of _____, at and for the compensation of _____,
to be paid _____; reserving the right for the Board of Directors,
for the time being, to dismiss said _____ at the end of
any month [or quarter] of said term. The actual possession
of the said school house and building, and premises before
mentioned, to remain and be considered by all parties as
remaining and being at all times in the said Board of Directors
and their successors.

In witness whereof, we have hereunto set our hands and
seals, on the _____ day of _____ A. D.

Witness,

[L. S.]
[L. S.]

* FORM OF CERTIFICATE TO A TEACHER.

We, the undersigned, members of the Board of School
Directors of _____ district, county of _____, do certify
that having examined _____ who wishes to be
employed as a teacher in said district, we have found him
[or her] to be of good moral character, and qualified to teach
the following branches: [Here name the branches.]

Witness our hands, this _____ day of _____ A. D.

(Signed,)

} *School Directors.*

* This Certificate will be good for one year only.—[See Supplement of 1840.]